

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

In re Applications of

MM DOCKET NO. 92-285

RUSS ROBINSON

) File No. BPH-910826ML

Barbara Dawson-Monk
d/b/a URBAN NETWORK
COMMUNICATIONS

) File No. BPH-910826MM
)
)
)

For a Construction Permit
for a new FM Station on
Channel 265A at Richwood,
Louisiana

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)
)
)

To: Hon. Edward J. Kuhlmann
Administrative Law Judge

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MOTION TO DELETE ISSUE

Russ Robinson ("Robinson"), an applicant in the above-captioned proceeding, by and through counsel, hereby submits his Motion To Delete Issue in the above-captioned comparative proceeding. 1/ In support whereof, the following is shown:

1. In his original above-captioned application, Robinson stated in his "Radiation Hazard Statement", Exhibit E-5, contained as part of his "Environmental Impact Statement", Exhibit E-4, that in order to prevent exposure to possible RF radiation, he would "advise maintenance personnel that power is to be reduced prior to undertaking any tower or transmitter site maintenance". See Robinson's Application at Exhibits E-4 & E-5. In the Hearing Designation Order, DA 92-1591, released

1/ Robinson, together with Barbara Dawson Monk d/b/a Urban Network Communications ("Urban"), the only other applicant in this proceeding, are simultaneously filing this day a "Joint Request For Approval of Settlement Agreement" which contemplates the settlement of this case, the dismissal of Urban's application and the grant of Robinson's application.

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December 8, 1992 ("HDO"), the Commission noted that Robinson's Radiation Hazard Statement should have stated that power will be reduced or terminated, when maintenance is being performed on Robinson's transmitter site. While the "or terminated" language was inadvertantly omitted from Robinson's application, it was always his intention to reduce and/or terminate power in an effort to avoid possible RF radiation exposure to site maintenance workers.

2. Despite his intentions, the Commission added the following contingent issue in the HDO:

1. If a final environmental impact statement is issued with respect to Robinson in which it is concluded that the proposed facilities are likely to have an adverse effect on the quality of the environment, to determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by 47 C.F.R. §§1.1301-1319.

HDO at ¶7.


3. While adding the contingent issue, the Commission also stated that Robinson could amend his application to provide additional environmental assessment information and more importantly, "in the event the Mass Media Bureau determines...that the applicant's proposal will not have a significant impact upon the quality of the human environment, the contingent environmental issue shall be deleted and the presiding judge shall thereafter not consider the environmental effects of the proposal." HDO at ¶2.

4. Together with this Motion, Robinson is simultaneously

filing the required amendment to provide a newly prepared Radiation Hazard Statement which includes the omitted information concerning the termination of power during site maintenance. Robinson is confident that this amendment should fully satisfy the Commission's concerns regarding possible RF radiation as well as satisfy its environmental impact Rules. Should the Mass Media Bureau accept Robinson's re-filed showing, then consistent with its representations in the HDO, the contingent environmental issue should be deleted from this proceeding.

5. Counsel for Urban has granted his consent to this filing and given the settlement documents that are being filed simultaneously with this Motion (see footnote 1) and since acceptance of this Motion will simplify and expedite the resolution of this proceeding, deletion of the contingent issue is warranted in this case. See Salter Broadcasting Company, 8 FCC 2d 212 (Rev. Bd. 1967).

Respectfully submitted,
RUSS ROBINSON


By: /s/ Shaun A. Maher
Shaun A. Maher

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December 28, 1992

CERTIFICATE OF SERVICE

I, Snowdeen Dove, a secretary in the law firm of Blair, Joyce & Silva, certify that on the 28th day of December, 1992, copies of the foregoing **MOTION TO DELETE ISSUE** were mailed, postage paid, by first class mail, to the following:


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/s/ Snowdeen Dove
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